

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

155612.03

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on August 23, 2005

Signature

Typed or printed

name James R. Banowsky

Application Number

09/872,222

Filed

06/01/2001

First Named Inventor

Eric W. Davison

Art Unit

2154

Examiner

Siddiqi, M.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

I am the:

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 37,773

☐ attorney or agent acting under 37 CFR  
Registration number if acting under 37 CFR 1.34

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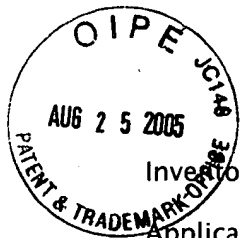
08/23/2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Inventorship	: Eric W. Davison	)	
Applicant	: Microsoft Corporation	)	Examiner: Siddiqi, Mohammad
Serial No.	: 09/872,222	)	
Filed	: 06/01/2001	)	Art Unit: 2154
Customer No.	: 22971	)	Confirmation No.: 3995

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REASONS SUPPORTING PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Submitted herein are the reasons forming the basis for the filing of completed Form PTO/SB/33 filed herewith ("Pre-Appeal Brief Request for Review").

No claims have been amended, added or canceled.

A Notice of Appeal is filed contemporaneously herewith.

Remarks begin on page 2 of this amendment.

In addition to the drawing amendment and remarks, the following are submitted for the Office's consideration:

- 1) General Transmittal Form (in duplicate);
- 2) Fee Transmittal (in duplicate;; \$650.00 total fee);
- 3) Extension of Time Request (in duplicate)
- 3) Notice of Appeal;
- 4) Form PTO/SB/33 - Pre-Appeal Brief Request for Review; and
- 5) Return Receipt Postcard.

## REMARKS

Applicant respectfully consideration of the following reasons in support of the filing of the Pre-Appeal Brief Request for Review filed contemporaneously herewith. No claims have been amended, added or canceled.

Claim Rejections

The following discussion references the Final Office Action dated 05/23/2005 ("Office Action") and Applicant's Response to Office Action Dated February 28, 2005 ("Response").

35 U.S.C. 102 Rejections

Claims 1-6 and 8-25 stand rejected under 35 U.S.C. 102(a) as being anticipated by Czerwinski et al. (An Architecture for a Secure Service Discovery Services, ACM, 1999) (hereinafter "Czerwinski").

These rejections were traversed by Applicant in the referenced Response.

For convenience and brevity, only certain representative claims will be discussed herein.

Claim 1

Claim 1 recites "a method for an object-exchange client to discover an accessible object-exchange resource on a network incorporating routable communications protocols." The method includes steps of "listening on a multicast channel provided according to a routable network communications protocol for an object-exchange resource identification advertisement;" "receiving at least one advertisement on the multicast channel identifying an accessible object-exchange resource;" "storing information from the received advertisement;" and "using the stored information to address the identified object-exchange resource." (Emphasis added).

The term "object-exchange" is emphasized in the recitation of claim 1, above, to point out the focus of claim 1 on object-exchange resources. Czerwinski describes a system such as is well known in the art - a service discovery system - without a mention of object-exchange protocol. The problems solved by a method according to claim 1 could not be solved with the disclosure of Czerwinski. Introducing IrDA and/or Bluetooth devices into a system as described

by Czerwinski would not provide a service that would allow such devices to discover IP resources available for use by the devices.

The Office Action states (paragraph number 24) that features on which applicant relies (i.e. OBEX devices and protocol) are not recited in the rejected claims. Applicant disagrees and points out that claim 1 utilizes object-exchange terminology repeatedly.

Czerwinski cannot stand as anticipating claim 1 when claim 1 is narrowly restricted to object-exchange protocol and Czerwinski does not refer to object-exchange protocol.

Therefore, claim 1 is allowable over the cited reference and the rejection thereof should be withdrawn.

Claims 2-6 and 8-15

Claims 2-6 and 8-15 depend from claim 1 are therefore allowable at least by virtue of that dependency. Therefore, the rejection of these claims should also be withdrawn.

Claim 17

Claim 17 is similar to claim 1 in that it is restricted to object-exchange resources and protocols. As a result, Czerwinski does not anticipate or disclose each and every element recited in claim 17.

Accordingly, claim 17 is allowable over the cited reference and the rejection should be withdrawn.

Claims 18 - 25 depend from claim 17 are therefore allowable at least by virtue of that dependency. Therefore, the rejection of these claims should also be withdrawn.

## CONCLUSION


Accordingly, in view of the above amendment and remarks it is submitted that all the claim rejections have been overcome. Consideration of and favorable ruling on the above Pre-Appeal Brief Request for Review is requested.

Respectfully submitted,

MICROSOFT CORPORATION

Date: 08/23/2005

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By: 


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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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08/23/2005  
Date

  
Signature

James R. Banowsky  
Printed Name